

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Patterson Dental Supply, Inc.,

Plaintiff,

v.

Case No. 19-cv-1940 (JNE/JFD)
ORDER

Daniele Pace and Henry Schein, Inc.,

Defendants.

Joseph W. Hammell and Kristin K. Zinsmaster, Jones Day, appeared for Patterson Dental Supply, Inc.

Stephen M. Premo, Madel PA, appeared for Daniele Pace.

Abraham Y. Skoff, Mark N. Parry, and Daniel A. Hoffman, Moses & Singer LLP, and Stephen M. Premo, Madel PA, appeared for Henry Schein, Inc.

Daniele Pace worked for Patterson Dental Supply, Inc., for approximately six years. Her employment was terminated when she notified Patterson that she had accepted an offer to work for one of Patterson's competitors, Henry Schein, Inc. Patterson brought this action a few months later. Three motions are before the Court. First, Pace and Henry Schein moved for summary judgment on Patterson's claims. Next, Patterson moved for summary judgment on Henry Schein's counterclaims, moved to dismiss Pace's counterclaim for lack of subject-matter jurisdiction, and moved for summary judgment on Pace's counterclaim. Finally, Patterson moved to exclude the testimony of Donald Gorowsky, an expert retained by Henry Schein. On March 31, 2022, the Court filed a Memorandum under seal. For the reasons set forth in the

Memorandum, the Court grants in part and denies in part Pace and Henry Schein's motion, dismisses Pace's and Henry Schein's counterclaims, and denies Patterson's motion to exclude Gorowsky's testimony without prejudice.

The parties shall submit proposed redactions to the Memorandum, if any, on or before April 22, 2022. The Court will either unseal the Memorandum or file a redacted version of the Memorandum.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Patterson's Motion to Dismiss Defendants' Counterclaims [Docket No. 393] is GRANTED.
2. Pace and Henry Schein's Motion for Summary Judgment [Docket No. 397] is GRANTED IN PART and DENIED IN PART.
3. Patterson's motion to exclude [Docket No. 416] is DENIED.
4. Counts II and III of Patterson's Second Amended Complaint are DISMISSED WITH PREJUDICE.
5. Pace's counterclaim is DISMISSED WITHOUT PREJUDICE for lack of subject-matter jurisdiction.
6. Henry Schein's counterclaims are DISMISSED WITH PREJUDICE.

Dated: March 31, 2022

s/Joan N. Erickson
JOAN N. ERICKSEN
United States District Judge